

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Juan Arango	Team: Squad #15	CCRB Case #: 202300795	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/28/2023 1:24 PM	Location of Incident: Next to 360 Court Street	Precinct: 76	18 Mo. SOL 7/28/2024	EO SOL 7/28/2024	
Date/Time CV Reported Sun, 01/29/2023 3:09 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 01/29/2023 3:09 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Khaled Khachfe	22929	962523	076 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Hassan Said	22238	962767	076 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Khaled Khachfe	Discourtesy: Police Officer Khaled Khachfe spoke discourteously to § 87(2)(b)	
B. PO Khaled Khachfe	Abuse: Police Officer Khaled Khachfe threatened to arrest § 87(2)(b)	

Case Summary

On January 29, 2023, § 87(2)(b) filed this complaint with the CCRB, via CCRB's website.

On January 28, 2023, at approximately 1:30 p.m., § 87(2)(b) was walking on Court Street, between President Street and Union Street, when he observed Police Officer Khaled Khachfe and Police Officer Hassan Said, of the 76th Precinct, walking in the opposite direction. § 87(2)(b) used profanity against PO Khachfe. In response, PO Khachfe allegedly replied, “Fuck you” (**Allegation A: Discourtesy – Word**, § 87(2)(g)). At some point, PO Khachfe threatened to arrest § 87(2)(b) (**Allegation B: Abuse of Authority – Threat of Arrest**, § 87(2)(g)).

The investigation obtained body-worn camera (BWC) footage in regards to this incident (**Board Review 01**).

§ 87(2)(b) provided a cellphone video to the investigation (**Board Review 02**).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Khaled Khachfe spoke discourteously to § 87(2)(b).

Allegation (B): Police Officer Khaled Khachfe threatened to arrest § 87(2)(b).

During his CCRB interview, § 87(2)(b) explained that he was walking northbound on Court Street, between President Street and Union Street when he observed PO Khachfe and PO Said walking southbound on the same sidewalk (**Board Review 03**). As the officers and § 87(2)(b) walked past each other, § 87(2)(b) called the officers “dirt bags.” In response, PO Khachfe, who was closer to § 87(2)(b) left, said “fuck you” under his breath, but loud enough for § 87(2)(b) to hear. § 87(2)(b) stopped, pulled out his cellphone and began recording PO Khachfe. § 87(2)(b) asked PO Khachfe to repeat what he said to him and asked if PO Khachfe said “fuck you” to him. PO Khachfe did not say anything in response. § 87(2)(b) then asked PO Khachfe for his shield number and PO Khachfe provided it to him. PO Khachfe and PO Said then began to walk southbound on Court Street. § 87(2)(b) began to follow them as he repeatedly asked PO Khachfe to repeat what he had said to him. § 87(2)(b) was approximately ten feet away from PO Khachfe as he continued recording with his cellphone. In response, PO Khachfe told § 87(2)(b) something along the lines of, “I will arrest you if you follow or” or “I will arrest you, unless you stop following me.” § 87(2)(b) did not take any action other than walking behind PO Khachfe while recording with his cellphone. § 87(2)(b) slowed down his pace because he did not want to get arrested and PO Khachfe and PO Said crossed President Street and stood on the southwest corner of President Street and Court Street. § 87(2)(b) then walked a couple of steps into President Street while PO Khachfe looked at him. Right after, PO Khachfe and PO Said continued southbound on Court Street. § 87(2)(b) turned around and walked northbound on Court Street. § 87(2)(b) was not arrested. At no point did § 87(2)(b) make physical contact with PO Khachfe.

At the 00:45 second mark of PO Khachfe’s BWC footage, § 87(2)(b) is captured walking on Court Street towards PO Khachfe and PO Said (**Board Review 04**). At the 00:49 second mark, § 87(2)(b) gets closer to the officers. Simultaneously, § 87(2)(b) uses his right-hand middle finger to gesture at PO Khachfe. § 87(2)(b) then completely walks past PO Khachfe and goes out of the video through the left frame of the video. Due to PO Khachfe’s BWC position, the video is unable to capture if there was any physical contact between PO Khachfe and § 87(2)(b) at the time. Three seconds later, at the 00:53 second mark, PO Khachfe turns his body around, towards the left side of the video, and faces § 87(2)(b). § 87(2)(b) is now captured approaching PO Khachfe while holding onto his cellphone in a position as if he was recording. PO Khachfe turns his body away

from § 87(2)(b) and begins to walk towards President Street, next to PO Said. At the 00:58 seconds mark, after taking approximately three steps forward, PO Khachfe turns around to his left a second time and then activates his BWC. § 87(2)(b) says, “Am I supposed to be scared?” PO Khachfe says, “No, right here.” § 87(2)(b) says, “What did you say to me earlier?” PO Khachfe replies, “What do you need? My badge number?” § 87(2)(b) then asks PO Khachfe, “Did you say ‘fuck you’ to me?” PO Khachfe simultaneously says, “Khachfe, 22929. Alright?” PO Khachfe begins to turn his body and walk away while § 87(2)(b) asks again, “Did you just say, ‘fuck you’ to me?” PO Khachfe simultaneously says, “Have a good day.”

§ 87(2)(b) provided a cellphone video to the investigation (**Board Review 05**). The video begins after PO Khachfe has already faced § 87(2)(b) for the first time and while § 87(2)(b) asks PO Khachfe for his shield number. PO Khachfe turns around a second time and activates his BWC. At the 00:13 second mark, after providing his name and shield number, PO Khachfe begins to walk towards President Street. Simultaneously, § 87(2)(b) asks PO Khachfe, “Did you say fuck you to me earlier?” and begins to walk behind PO Khachfe. Approximately four seconds later, as § 87(2)(b) walks behind PO Khachfe and asks him, “Did you? Or did you not?” PO Khachfe turns around and tells § 87(2)(b), “Stop following me, alright? Or else you are going to get arrested.” § 87(2)(b) stops walking and says “okay. Did you say fuck me?” PO Khachfe replies, “Stop following me, alright?” § 87(2)(b) replies, “I am standing here. Did you say, ‘fuck you’ to me earlier?” Simultaneously, PO Khachfe disregards § 87(2)(b) question and begins to cross President Street with PO Said. § 87(2)(b) begins to follow the officers once again as he asks, “Are you scared of me? What are you gonna do?” § 87(2)(b) then stops right at the crosswalk of President Street while PO Khachfe and PO Said fully cross the street.

During his CCRB interview, PO Khachfe explained that while walking southbound on Court Street with PO Said, he observed § 87(2)(b) walking in the opposite direction, on the same side of the street (**Board Review 06**). Simultaneously, § 87(2)(b) began to flick his middle fingers and tell the officers, “Fuck you. Fuck you. Fuck you.” as he walked past. § 87(2)(b) had a tote bag/shipping bag on his left shoulder at the time and as he walked past PO Khachfe, he intentionally bumped his tote bag into PO Khachfe’s left arm, around the elbow area. PO Khachfe and PO Said continued walking when he heard § 87(2)(b) say from behind, “What did you just say to me? Am I supposed to be scared?” PO Khachfe did not know what § 87(2)(b) referred to when he asked, “Am I supposed to be scared?” PO Khachfe turned around and observed him holding his cellphone. PO Khachfe asked § 87(2)(b), “Can I help you?” § 87(2)(b) then asked PO Khachfe for his name and shield number. PO Khachfe then activated his BWC and provided § 87(2)(b) with his name and shield number. PO Khachfe denied using profanity against § 87(2)(b) or saying anything offensive to him. PO Khachfe denied saying “fuck you” to § 87(2)(b) after § 87(2)(b) cursed at him. After he provided his name and shield number to § 87(2)(b), he continued walking with PO Said. Right after, PO Khachfe heard § 87(2)(b) still asking what he had said to him before and noticed that he was following him and recording with his cellphone, making PO Khachfe feel harassed. In response, PO Khachfe turned around and told § 87(2)(b) to stop following him or that he was going to get arrested. As a result, § 87(2)(b) immediately stopped following them. PO Khachfe did not want to escalate the situation or take it any further and decided to keep walking. PO Khachfe explained to the CCRB that he threatened to arrest § 87(2)(b) because he felt threatened and harassed by § 87(2)(b) at the time. PO Khachfe further explained that he felt threatened because § 87(2)(b) had flicked his fingers at them, cursed at them, intentionally bumped his tote bag into his arm, and was now following him. PO Khachfe felt that § 87(2)(b) targeted him and PO Said and discriminated against them because they are both Muslims with beards and Middle Eastern names. PO Khachfe stated that he could have

arrested § 87(2)(b) for harassment if he continued following him because § 87(2)(b) had already cursed at him, flicked his middle finger, and intentionally hit him with his tote bag. PO Khachfe did not sustain any injuries as a result of the tote bag hitting his arm.

PO Said explained that while he and PO Khachfe were walking on Court Street, they observed § 87(2)(b) walking in their direction, approximately one or two feet away from them (**Board Review 07**). Simultaneously, § 87(2)(b) flicked his middle finger at PO Khachfe and said, “fuck you” to him. § 87(2)(b) then walked past PO Khachfe’s left side, approximately one foot away from PO Khachfe. PO Said did not see any physical contact between § 87(2)(b) and PO Khachfe at the time. Right after, PO Khachfe asked § 87(2)(b), “Can I help you?” § 87(2)(b) asked PO Khachfe for his name and shield number. PO Said could not tell what prompted § 87(2)(b) to ask for PO Khachfe’s name and shield number. PO Said denied hearing PO Khachfe say anything offensive or discourteous to § 87(2)(b) at the time. PO Said denied hearing PO Khachfe say “fuck you” to § 87(2)(b). PO Said explained that although he did not see § 87(2)(b) bump his tote bag into PO Khachfe’s body, PO Khachfe later informed PO Said about this.

PO Khachfe claimed that § 87(2)(b) intentionally bumped his tote bag into his left arm as they walked past each other. § 87(2)(b) claimed that at no point did he have any physical contact with PO Khachfe. PO Khachfe’s BWC footage captures § 87(2)(b) walking past PO Khachfe, approximately one or two feet away from him, while flicking his middle fingers at PO Khachfe. However, due to PO Khachfe’s BWC position, the video does not capture if there was any physical contact between them. § 87(2)(b), § 87(2)(g)

Although video footage captures § 87(2)(b) demanding PO Khachfe multiple times to repeat what PO Khachfe had allegedly said to him, PO Khachfe claimed that § 87(2)(b) was only trying to antagonize them and denied using any profanity against him. § 87(2)(g)

NYS Penal Law § 240.26 (Board Review 08) A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person when he or she follows a person in or about a public place.

PO Khachfe explained that he threatened to arrest § 87(2)(b) because he flicked his middle fingers at him, cursed at him, intentionally bumped his tote bag into his arm and then followed him, which made PO Khachfe feel harassed, threatened, and targeted. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to eight of CCRB complaints and has been named as a victim in 14 of allegations (**Board Review 09**):

- § 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- PO Khachfe has been a member-of-service for six years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of April 17, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**Board Review 11**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad: _____ 15 _____

Investigator:	_____ Juan Arango Signature	_____ Inv. Juan Arango Print Title & Name	_____ 04/18/2023 Date
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Squad Leader:	_____ Owen Godshall Signature	_____ SI Owen Godshall Print Title & Name	_____ 04/18/2023 Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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